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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,306	02/12/2004	Sung-Hyun Cho	678-1276 (P10797)	5301
66547 7590 01/02/2008 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553			EXAMINER SOBUTKA, PHILIP	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/777,306	<b>Applicant(s)</b> CHO ET AL.	
	<b>Examiner</b> Philip J. Sobutka	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vazvan et al (US 6,400,946) in view of Sainton et al (US 6,934,558).

Consider claim 1. Vazvan teaches an apparatus for selecting an access network in a mobile station capable of receiving a service from a multi-wireless communication network (*Vazvan see especially column 2, lines 13-50, column 5, lines 50-65*), the apparatus comprising:

a physical layer for communicating with the multi-wireless communication network (*Vazvan see figure 2*);

an access network selector for detecting available networks in the multi-wireless communication network and selecting a network during communication or handoff (*Vazvan see column 4, lines 45-60, column 6, lines 40-55*); and

a higher layer for providing the information stored in the access network selector to a user, and delivering selection information of a particular network in the multi-wireless communication network to the access network selector according to a method set by the user (*Vazvan teaches the user being able to determine criteria for the PQ or price-quality selection measures, see column 6, lines 25-40, 55-68*).

While Vazvan's arrangement would seem to provide an internal memory for storing information on the detected available networks and providing the information to the access network selector, Vazvan lacks a specific teaching of such. Sainton teaches an internal memory for storing information on the detected available networks and providing the information to the access network selector (*see for example column 5, lines 5-15, 52-65*).

Therefore it would have been obvious to one of ordinary skill in the art to modify Vazvan to provide an internal memory for storing information on the available networks as taught by Sainton in order to readily obtain for example the channel protocols as taught by Sainton in column 5, lines 52-65.

As to claim 2, Vazvan teaches the apparatus as applied to claim 1, further comprising a display unit for displaying the information to be provided from the higher layer to the user (*Vazvan see especially column 11, lines 60-65*).

As to claim 3, Vazvan teaches the apparatus as applied to claim 1, further comprising a memory for storing a selection criterion of the multi-wireless communication network and a handoff method for each available service (*Vazvan see especially column 11, line 60 – column 12, line 32*).

Consider claim 4. Vazvan teaches a method for selecting an access network in a mobile station capable of receiving a service from a multi-wireless communication network (*Vazvan see especially column 2, lines 13-50, column 5, lines 50-65*), the method comprising the steps of:

during an initial drive, detecting available access nodes, mapping the detected available access nodes, and storing the mapping results in a mapping table (*note that Vazvan teaches recognizing and stroking information relating to the available services, the stored data would correspond to the claimed table, see figure 5, column 4, line 45- column 5, line 50, column 6, lines 40-55. note that the results would of course have to be generated before being stored*); and

when communication is requested, providing a user with information on an available network from information stored in the mapping table, and communicating with a particular network selected by the user (*Vazvan teaches the user being able to determine criteria for the PQ or price-quality selection measures, see column 6, lines 25-40, 55-68*).

As to claim 5, Vazvan teaches the method as applied to claim 4, further comprising the steps of: detecting an available handoff target network from the mapping

Art Unit: 2618

table, if a vertical handoff is necessary; and if a handoff method is set to an automatic mode, selecting a handoff target network from the detected available handoff target networks automatically (*Vazvan teaches the user being able to set the selection to an automatic or manual mode based on the available network, see column 6, lines 25-40, 55-68*).

As to claim 6, Vazvan teaches the method as applied to claim 4, further comprising the steps of: detecting an available handoff target network from the mapping table, if a vertical handoff is necessary; and if a handoff method is set to a manual mode, providing the user with information on the detected available handoff target networks and performing handoff to a network selected by the user (*Vazvan teaches the user being able to set the selection to an automatic or manual mode based on the available network, see column 6, lines 25-40, 55-68*).

As to claim 7, Vazvan teaches the method as applied to claim 5, further comprising the step of performing, if there is one available handoff target network, handoff to the network (*note that the selection of Vazvan is hand off selection as described in column 4, lines 45-60. Vazvan would of course hand off to the available hand off target, see column 6, lines 25-40, 55-68*).

As to claim 8, Vazvan teaches the method as applied to claim 6, further comprising the step of performing, if there is one available handoff target network, handoff to the network (*note that the selection of Vazvan is hand off selection as*

*described in column 4, lines 45-60. Vazvan would of course hand off to the available hand off target, see column 6, lines 25-40, 55-68).*

As to claim 9, Vazvan teaches the method as applied to claim 4, further comprising the step of determining a predetermined particular network as a basic network when the communication is terminated (*note that the claimed "basic" network as defined in the instant specification for example in paragraphs 37 and 52 is simply the network that the device is currently using. Vazvan of course would remain in the selected network as described for example in column 6, line 40 – column 7, line 48).*

As to claim 10, Vazvan teaches the apparatus of claim 1, wherein the access network selector acquires the information on each available network from he multi-wireless communication network (*Vazvan see column 4, lines 45-60, column 6, lines 40-55).*

As to claim 11, Vazvan teaches the apparatus of claim 1, wherein the access network selector initializes selection of an access node according to the information of available networks acquired from the multi-wireless communication network (*Vazvan see column 4, lines 45-60, column 6, lines 40-55).*

### **Response to Amendment**

2. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached Monday through Friday from 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4711.

4. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Application/Control Number: 10/777,306

Page 8

Art Unit: 2618

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